

111TH CONGRESS
1ST SESSION

S. 1759

To authorize certain transfers of water in the Central Valley Project, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2009

Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To authorize certain transfers of water in the Central Valley
Project, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water Transfer Facili-
5 tation Act of 2009”.

6 **SEC. 2. AUTHORIZATION OF IRRIGATION WATER TRANS-**
7 **FERS, CENTRAL VALLEY PROJECT.**

8 (a) IN GENERAL.—Subject to subsection (b), the fol-
9 lowing voluntary water transfers shall be considered to
10 meet the conditions described in subparagraphs (A) and

1 (I) of section 3405(a)(1) of the Reclamation Projects Au-
 2 thorization and Adjustment Act of 1992 (Public Law 102–
 3 575; 106 Stat. 4709):

4 (1) A transfer of irrigation water among Cen-
 5 tral Valley Project contractors from the Friant, San
 6 Felipe, West San Joaquin, and Delta divisions.

7 (2) A transfer of water among current or prior
 8 temporary or long-term water service, repayment,
 9 water rights settlement, or exchange contractors
 10 within a division of the Central Valley Project.

11 (b) CONDITION.—A transfer under subsection (a)
 12 shall be subject to the condition that the transfer not
 13 interfere with—

14 (1) the San Joaquin River Restoration Settle-
 15 ment Act (Public Law 111–11; 123 Stat. 1349), in-
 16 cluding the priorities described in section
 17 10004(a)(4)(B) of that Act (123 Stat. 1350) relat-
 18 ing to implementation of paragraph 16 of the Settle-
 19 ment (as defined in section 10003 of that Act (123
 20 Stat. 1349)); and

21 (2) the Settlement.

22 **SEC. 3. FACILITATION OF WATER TRANSFERS, CENTRAL**
 23 **VALLEY PROJECT.**

24 (a) IN GENERAL.—As soon as practicable after the
 25 date of enactment of this Act, the Secretary of the Inte-

rior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation (referred to in this section as the “Secretary”), using such sums as are necessary, shall initiate and complete, on the most expedited basis practicable, the programmatic development of environmental documentation to facilitate voluntary water transfers within the Central Valley Project.

(b) INCLUSIONS.—The environmental documentation under subsection (a) shall include all applicable environmental reviews, permitting, and consultations, including the environmental documentation needed to address concerns with respect to the Giant Garter Snake (*Thamnophis gigas*).

SEC. 4. REPORT ON CENTRAL VALLEY PROJECT WATER TRANSFERS.

(a) IN GENERAL.—Not later than January 10, 2010, the Commissioner of the Bureau of Reclamation (referred to in this section as the “Commissioner”) shall submit to the appropriate committees of Congress a report that—

- (1) describes the status of efforts to help facilitate and improve the water transfers under this Act; and
- (2) provides recommendations on ways to facilitate, and improve the process for—

1 (A) water transfers within the Central Val-
 2 ley Project; and

3 (B) water transfers between the Central
 4 Valley Project and State water projects.

5 (b) UPDATES.—Not later than July 15, 2010, and
 6 every 180 days thereafter until the Commissioner deter-
 7 mines that no further Federal action is warranted or au-
 8 thorized with respect to the water transfers under this
 9 Act, the Commissioner shall update the report submitted
 10 under subsection (a).

11 **SEC. 5. TECHNICAL CORRECTIONS.**

12 Section 3405(a)(1) of the Central Valley Project Im-
 13 provement Act (Public Law 102–575; 106 Stat. 4710) is
 14 amended—

15 (1) in the first sentence, by striking “transfers
 16 to” and inserting “transfers of”; and

17 (2) in subparagraph (A), by striking “to com-
 18 bination” and inserting “or combination”.

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